REMARKS/ARGUMENT

Claims 2-14 and 16 are pending in this application. Claims 2-6 and 8-10 stand rejected, claim 16 is allowed and claims 7 and 11-14 are objected to. By this Amendment, claim 15 has been canceled. The amendments made to claim 6 do not alter the scope of this claim, nor have these amendments been made to define over the prior art. Rather, the amendments to claim 6 have been made for cosmetic reasons to improve the form thereof. In light of the amendments and remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

Applicants acknowledge with appreciation the Examiner's allowance of claim 16 and the indication of allowable subject matter in dependent claims 7 and 11-14. For the reasons set forth below, Applicants respectfully submit that claims 2, 6 and 8-10 are also patentable over the prior art of record, for the reasons discussed below.

In paragraph 1 of the Office Action, the Examiner states that U.S. Patent No. 6,341,195 ("Mankovitz") discloses Applicants' unified notation because the reception instruction in Mankovitz contains a parameter for signal source. The Examiner cites column 8, lines 2-7 which states "[w]hen the viewer selects a guide, the controller stores the appropriate reception instructions, e.g., start time, end time, channel, and signal source in memory 752 for future reception of the selected guide." This cited portion of Mankovitz does not anticipate Applicants' claim 15.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

In Mankovitz, the controller stores such items as start time, end time, channel, and signal source in a memory. This is unlike Applicants' unified notation because the unified notation identifies at least a first and second broadcast stream while being independent of a capture route, capture time, and inherent name.

The Office Action equates Applicants' first and second broadcast streams with the channel and signal source in Mankovitz. This is incorrect. The channel is merely a subset of the signal source, each signal source having a plurality of channels. Thus, in Mankovitz, only a single broadcast stream is identified, i.e., a specific channel from a specific signal source. In contrast, as explicitly recited in Applicants' claim, the unified notation identifies at least a first and second broadcast stream, which is neither taught nor disclosed in Mankovitz.

Therefore, it is asserted that the rejection of claims 2-4, 6, 8-9 and 15, under 35 U.S.C. § 102 has been overcome. Reconsideration of the rejection of claims 2-4, 6, 8-9 and 15, under 35 U.S.C. § 102 is respectfully requested in light of the amendments and remarks above.

Claims 5 and 10 stand rejected under 35 U.S.C. § 103 as being unpatentable over Mankovitz in view of U.S. Patent No. 6,157,411 ("Williams"). Williams does not disclose a unified notation identifying a first and second broadcast stream. Thus, Williams fails to cure the deficiency of Mankovitz discussed above and, in combination, Mankovitz and Williams do not disclose all of the elements in claims 5 and 10. Thus, claims 5 and 10 are allowable over the cited references.

Applicants have responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

The amendments to the claims are for clarification purposes only and are not intended to limit the scope of the claims in any way. It is asserted that the present amendment places the application in a form for allowance. Entry of this amendment is therefore earnestly solicited.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: June 26, 2003

Respectfully submitted,

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APPENDIX A
Complete Set of Claims Under 37 § CFR 1.125

CLAIMS (with indication of amended or new):

Claim 1. (Previously Canceled)

Claim 2. (Currently and Previously Amended) The resource capturing system defined in claim 6 ~~15~~, wherein said unified notation comprises a broadcast station code, a broadcast start time, and a broadcast end time.

Claim 3. (Canceled)

Claim 4. (Canceled)

Claim 5. (Canceled)

Claim 6. (Currently and Previously Amended) A system for capturing resources in broadcast and data communications comprising:

a broadcast resource receiver receiving at least a first broadcast stream, said broadcast resource receiver being responsive to a unified notation, said unified notation identifying at least said first broadcast stream and a second broadcast stream, said unified notation being independent from a capture route, a capture time, and an inherent name;

a communication resource receiver receiving at least said second broadcast stream, said broadcast resource receiver being responsive to a said unified notation;

a reception route selection apparatus being responsive to said unified notation, said reception route selection apparatus selecting said broadcast resource receiver or said communication resource receiver for receiving one of said broadcast streams based on at least a first broadcast time corresponding to said first and second broadcast streams; and

~~The resource capturing system defined in claim 15,~~ further comprising route selection for capturing said broadcast streams, said route selection being uniquely decided dependent on a broadcast time of said broadcast streams.

Claim 7. (Previously Amended) The resource capturing system defined in claim 6, wherein when the broadcast time of said broadcast streams simultaneously includes a past zone, a future zone, and a current zone inserted between said past zone and said future zone, a zone for a period between a current time and the end of a future time is received using said broadcast resource receiver while the past zone is received using said communication resource receiver.

Claim 8. (Previously Amended) The resource capturing system defined in claim 6, wherein at least one of said broadcast streams is a TV broadcast program.

Claim 9. (Previously Amended) The resource capturing system defined in claim 6, wherein at least one of said broadcast streams is a radio broadcast program.

Claim 10. (Previously Amended) The resource capturing system defined in claim 6, wherein at least one of said broadcast streams is an Internet broadcast program.

Claim 11. (Currently and Previously Amended) The resource capturing system defined in claim 6 ~~15~~, wherein an arbitrary portion of one of said broadcast streams is cut and then transferred onto a communication route.

Claim 12. (Previously Amended) The resource capturing system defined in claim 11, wherein at least one of said broadcast streams is a TV broadcast program.

Claim 13. (Previously Amended) The resource capturing system defined in claim 11, wherein at least one of said broadcast streams is a radio broadcast program.

Claim 14. (Previously Amended) The resource capturing system defined in claim 11, wherein at least one of said broadcast streams is an Internet broadcast program.

Claim 15. (Canceled)

Claim 16. (Previously Added) A system for capturing resources in broadcast and data communications comprising:

a broadcast resource receiver for receiving at least a first broadcast stream, said broadcast resource receiver being responsive to a unified notation; wherein

said unified notation identifies at least said first and a second broadcast streams, said unified notation being independent from a capture route, a capture time, and an inherent name;

a communication resource receiver for receiving at least said second broadcast stream, said broadcast resource receiver responsive to said unified notation;

a reception route selection apparatus for selecting at least one of said broadcast streams, said reception route selection apparatus selecting said broadcast resource receiver or said communication resource receiver for receiving one of said broadcast streams based on a broadcast time for said broadcast streams, said route selection being uniquely decided dependent on a broadcast time of said broadcast stream; wherein

when said broadcast time of said broadcast stream simultaneously includes a past zone, a future zone, and a current zone inserted between said past zone and said future zone, a zone for a period between said current time and the end of said future time is received using said broadcast resource receiver while the past zone is received using said communication resource receiver.